



Able Marine Energy Park

Material Change 2

Applicant's Responses to

ExB's Second Round of

Written Questions



Application by Able Humber Ports Ltd for Able Marine Energy Park Material Change 2

The Examining Body's written questions and requests for information (ExQ2)

Issued on

The following table sets out the Examining Body's (ExB's) written questions and requests for information – ExQ2. If necessary, the examination timetable enables the ExB to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Regulation 27 and 28 letter of 19 October 2021. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExB would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question on proposed changes generally is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact AbleMarineEnergyPark@planninginspectorate.gov.uk and include 'Able Marine Energy Park Material Change 2' in the subject line of your email.

Responses are due by Deadline 4: 1 February 2022

Abbreviations used:

AEol	Adverse Effect on Integrity	LIR	Local Impact Report
agl	above ground level	LPA	Local Planning Authority
App	Applicant	MMO	Marine Management Organisation
C.GEN	C.GEN Killingholme Limited	NE	Natural England
C.RO	C.RO Ports Killingholme Limited	NELDB	North East Lindsey Drainage Board
DAO	Draft Amendment Order	NLC	North Lincolnshire Council
DCO	Development Consent Order	NPS	National Policy Statement
dDCO	Draft Development Consent Order	NSIP	Nationally Significant Infrastructure Project
EA	Environment Agency	PA2008	The Planning Act 2008
EM	Explanatory Memorandum	RR	Relevant Representation
ES	Environmental Statement	SoS	Secretary of State
ExB	Examining Body	UES	Updated Environmental Statement
HMBCE	Historic Buildings and Monuments Commission for England	WFD	Water Framework Directive
HRA	Habitat Regulations Assessment	WSI	Written Scheme of Investigation

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030006/TR030006-000234-Able%20Marine%20Energy%20Park%20Material%20Change%202%20Examination%20Library.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ2 1.0.1 – refers to question 1 in this table.

ExQ2: 13 January 2022

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ExQ2: 13 January 2022**Responses are due by Deadline 4: 1 February 2022 at 23:59**

ExQ2	Question to:	Question:	
1. General and Cross-topic Questions			
Q1.01	App	<p>Pease supply A3 size copies of drawings AME-036-10009 rev C and AME-036-10010 rev C.</p> <p>These were previously supplied as A1 size copies when A3 size was requested. (The ExB already has AME-036-10011 rev C as it applies to both construction process alternatives).</p>	<p>The Applicant supplied Revision D of these drawings (AME-036-10009 and AME-036-10010) in response to ExQ1 1.0.1. The draft amendment order (REP1-014) now refers to both the Revision D and the Revision C versions as alternative options.</p> <p>A3 paper versions of Revision C, modified to A3 scale (and amended to Revision C1) have been issued under separate cover and are issued electronically with this response with document references TR030006/D4/2 and TR030006/D4/2A.</p>
Q1.02	App	<p>Re: ExQ1: 1.0.2, For clarity please confirm whether I am right to interpret drawing AME-036-10004 rev C as showing two prime alternatives -</p> <p><i>A: Anchor piles plus horizontal steel ties to quay piles</i></p> <p><i>B: Flap anchors plus diagonal steel ties to quay piles</i></p> <p>That each of these prime alternatives could be built without a relieving slab or could have one of two types of relieving slab –</p> <p>1: With vertical supporting piles without a crane rail beam</p> <p>2: With vertical piles and some diagonal piles supporting a crane rail beam</p> <p>There would, therefore (noting the Applicant's response to ExQ1:1.0.3), be six overall alternatives – A, A1, A2, B, B1, B2.</p>	<p>The Applicant confirms that the Planning Inspectorate has interpreted the drawing AME-036-10004 rev C correctly.</p>
Q1.03	App, C.GEN, C.RO	<p>Re: ExQ1: 1.0.9, C.GEN's and C.RO's WRs [REP1-029 and REP1-030], and the C.GEN and C.RO SoCGs [REP1-013 and REP1-007] - acknowledging</p>	<p>The Applicant's position is set out in their response to Relevant Representations (REP1-026) and Written Representations (REP3-002) and this remains an accurate reflection of the position between the parties.</p>

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ExQ2	Question to:	Question:	
		that the Proposed Changes do not involve any land-based development, please update the ExB regarding progress towards agreement on whether contextual masterplans are to be provided. App, C.GEN, C.RO.	<p>Specifically, any proposals for associated development of the terrestrial areas that are not permitted by the DCO would need to be consented under the Town and Country Planning Act regime, and the opportunity to comment on such proposals would be available at that time. The Applicant does not consider it necessary for the Examining Board or the Secretary of State to consider plans for which no consent is being sought at this time. Any consent sought under the Town and Country Planning Act 1990 will be subject to extensive consideration under a separate planning permission process. C.GEN and C.RO will be entitled to respond to such future planning applications when they are submitted.</p> <p>As such, the Applicant does not consider it appropriate to submit contextual masterplans into the examination as it is not appropriate for the examination of the proposed material change to include consideration of potential planning applications which may or may not be made in the future.</p>
2. The Draft Amendment Order (DAO)			
Q2.01	App	Re: ExQ1: 3.0.3, response noted, but does this cover points 2.6.4 and 2.6.6 in the Explanatory Memorandum which relate to amended drawings in the DAO?	<p>The Applicant understands the ExB to be referring to Q2.0.2 of ExQ1 (Examination Library Reference REP1-019) , relating to whether the Explanatory Note attached to the DAO should be updated to reflect the Explanatory Memorandum (Examination Library Reference APP-060). Points 2.6.4 and 2.6.6 in the Explanatory Memorandum read as follows:</p> <p><i>2.6.4 provision of a third cross dam within the reclamation area to enable greater flexibility for staged completion, and early handover of sections of the quay</i></p> <p><i>2.6.6 an amendment to the sequencing of the quay works (as illustrated on the consented DCO drawings AMEP_P1D_D_101 to 103; Indicative Sequence Plan View[s]) to enable those works to commence at the southern end of the quay and progress northwards.</i></p>

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ExQ2	Question to:	Question:
		<p>The change to the number of cross dams will be effected primarily by the proposed variation to the DML.</p> <p>Nevertheless, as the ExB notes in the question, the Applicant's proposed changes to the construction methodology, including the number of cross dams provided, and the sequencing of the quay works, are indicated in the substitute drawings which the DAO inserts references to in Schedule 11 of the DCO. The Applicant has therefore added this additional detail to the Explanatory Note attached to the DAO, in an updated version submitted at deadline 4 (Document reference TR030006/D4/3).</p> <p>As the ExB is aware, the Applicant previously submitted alternative construction plans to the Examination (Examination Library Reference AS-007), together with an updated DAO (Examination Library Reference REP1-017). The DAO as updated would give the Applicant alternative options regarding the number of cross dams used in construction, and the sequencing of the quay works. As a result, the text in 2.6.4 and 2.6.6 of the application version of the Explanatory Memorandum does not reflect the current position. The Applicant has therefore amended (b) in the Explanatory Note attached to the DAO to read:</p> <p><i>(b) changes to the construction methodology to allow the relieving slab at the rear of the quay to be piled at the surface or to be omitted, the use of anchor piles instead of flap piles, and to permit alternative options as regards the number of cross dams to be used and the sequencing of the quay works.</i></p> <p>The Applicant has also submitted an updated version of the Explanatory Memorandum, updated to reflect the current position (document reference TR030006/D4/4). (This has also been updated to refer to the latest iteration of the proposed variation to the DML.)</p>

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ExQ2	Question to:	Question:	
Q2.02	App, C.GEN, C.RO	ExQ1: 3.0.3, C.GEN's and C.RO's WRs [REP1-029 and REP1-030], and C.GEN's and C.RO's SoCGs [REP1-013 REP1-007], please update the ExB regarding progress towards agreement on any modifications to protective provisions.	As explained in the Applicant's comments on the Written Representations, the Applicant sees no reason, consequential to the material change application, to amend the protective provisions in favour of C.GEN, C.RO or Centrica. The SoCGs between the Applicant and C.GEN and the Applicant and C.RO set out the respective positions of the parties.
Q2.03	App	Re: ExQ1: 2.0.6 - noted, but is DCO Schedule 11 Requirement 42(d) then still appropriate?	Requirement 42(d) related to a 60m wide operational buffer along the northern side of original location of Mitigation Area A. The amended and approved details for Mitigation Area A provide for a 30m operational buffer along the western side. It is not considered necessary to amend Requirement 42(d) as the whole requirement includes a tailpiece which allows the restriction to be modified by agreement with the relevant planning authority following consultation with Natural England.
Q2.04	App, MMO	At 3.3 of the MMO SoCG [REP1-008] regarding a possible amendment to Article 57 of the original DCO to clarify that the process of arbitration is not applicable to decisions made under the DML, the ExB was asked to consider whether this amendment would be appropriate in the present examination process since it does not arise as part of the MC2 application. Our understanding is that the Applicant would need to request a change to the application and submit a revised DAO to this effect. The ExB would then consider whether the change would be acceptable, whether any further consultation by the Applicant would be required, and whether this could be done during the examination, before making a procedural decision on the requested change.	The MMO first raised this particular point in their Relevant Representation (Examination Library Reference RR-005), following the submission of the application. Accordingly, the proposed amendment to Article 57 of the original DCO is not a matter that has been subject to consultation. As the Applicant noted in the SoCG with the MMO (Examination Document Reference REP1-008), the MMO's proposed amendment to Article 57 of the original DCO does not relate to the proposed material change. Therefore, while the Applicant does not object to this amendment being made, the Applicant does not wish to take the amendment forward as part of the material change application at this stage of the process as it does not relate to the subject-matter of the application.
3.	Operators and Harbour Operations		

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ExQ2	Question to:	Question:	
Q3.0.1	C.RO, ABP(HES)	Re: ExQ1: 3.0.1, the Applicant's and C.RO's responses are noted. Are C.RO and ABP(HES) content with the Applicant's response?	This question is not addressed to the Applicant.
Q3.0.2	App	Re: ExQ1: 3.0.2, would the Applicant please comment on C.RO's concerns set out in their response including, but not limited to, movements and timing of RoRo vessels	<p>C.RO's comments were submitted before the navigation simulation exercise undertaken on 6 January and submitted at Deadline 3 (REP3-004).</p> <p>The exercises found that Ro-Ro vessels arriving and departing from C.RO Port (Runs 1 and 2) are not affected in any way by the presence of the AMEP quay or by vessels berthed at the AMEP quay.</p> <p>Vessels approaching the C.RO Eastern berths (1,2,5,6) need to swing in order to berth stern-on to the unloading ramps, while those utilising the Western berths (3,4) need to swing on departure.</p> <p>As detailed in Section 4.1 of the Report of Navigation Simulations Exercises (REP3-004) the pilots established that <i>'swinging for the C.RO berths at all states of tide and wind, invariably takes place upstream of the AMEP berths and so its presence should not affect this aspect of C.Ro's arrivals and departures'</i>.</p> <p>Vessels arriving and departing the C.RO berths take, in a worst-case scenario, around 10 minutes to pass the AMEP quay (the simulations timed this at 7 minutes or under). Allowing for one departure and one arrival on each berth (1-6), this equates to around 2 hours of the day when C.RO vessels are in <u>potential</u> conflict with vessels manoeuvring on and off AMEP quays.</p> <p>The navigation simulation exercise also considered the berthing and departure of Ro-Ro vessels on the new barge berth, please refer to Runs 5A, 5B, 5C, 7 and 8.</p> <p>The Navigation Risk Assessment for the Project presented in UES Appendix 14-1 (APP-144) Table 4, predicts that, when operational, there will be 200 movements of installation vessels and 100 movements of 6-10,000T cargo vessels per year on/off the AMEP quay. In addition there will be 200 movements of 1,500T support vessels on/off the quays. Taken as a whole therefore there will be, typically, 1 or 2 vessel movements at AMEP quays in</p>

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ExQ2	Question to:	Question:
		<p>total each day (500/year). Half of these movements will not involve a swing (as a vessel will only swing on arrival or departure), and of the remainder many vessels will be small enough to swing without impinging on the C.Ro approach channel or conflicting with vessels approaching or departing C.Ro. It is clear therefore that less than 1 vessel per day might conflict with vessels utilising C.Ro port as there will only be 250 potential swinging movements per year.</p> <p>From the simulations the swinging operation is likely to take around 15 minutes.</p> <p>In short, the potential for conflict between C.RO traffic and AMEP traffic is not materially different to the situation already consented. As in the consented scheme, any conflict between AMEP vessels and C.RO vessels would be managed on a case by case basis by the Harbour master acting impartially, likely to result in one vessel waiting for a short time for the other to pass.</p> <p>The Applicant continues to engage with C.RO to ensure that their concerns are addressed and allayed.</p>
Q3.0.3	App	<p>How are space requirements, manoeuvring areas, and turnover times affected by different vessel types and load requirements?</p> <p>All vessels of whatever type will need to swing (rotate around 180 degrees) once, this will either be on arrival or departure. The proposed material change to the berth does not affect this requirement at all.</p> <p>If vessels are required to berth at AMEP 7 (the new barge berth) and roll cargo on or off at this berth, this will simply dictate when a swing is required (bow on will require a swing on arrival, stern on a swing on departure). Similarly cargo vessels which can only berth a certain side to the quay (such as may be the case with project vessels having cranes on one side of the ship), will have to swing on arrival (to go starboard side to the quay), or on departure (if going starboard side to the quay).</p> <p>To re-iterate, all vessels will swing once per visit.</p> <p>The ability to berth stern to tide will depend on a vessel's manoeuvrability. Those vessels that can control their stern when going backwards (twin screw vessels, vessels with stern thrusters etc.) will be able to berth at any</p>

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ExQ2	Question to:	Question:	
			<p>state of the tide, those that cannot (single screw with no stern thruster), will either need to wait until the tide is turned or take additional assistance (tugs).</p> <p>That said the degree to which any of the above manoeuvres will impact on passing C.RO vessels will be as follows;</p> <p>1) Vessels not swinging – no impact is expected, all manoeuvres will be able to take place close to the quay, clear of passing C.RO vessels and the approach channel.</p> <p>2) Vessels swinging</p> <p>a) none of the anticipated support vessels (being comparatively small and very manoeuvrable), are expected to impinge on the C.RO approach channel.</p> <p>b) Only the larger cargo vessels (over 140m LOA - perhaps 1 in 5.) are expected to affect passing C.RO vessels.</p> <p>c) The larger installation vessels (over 140m LOA – perhaps 1 in 3) are expected to affect passing C.RO vessels</p> <p>The interaction between AMEP's vessels and C.RO and other operator's vessel movements has been previously detailed in the Applicant's Responses to the Examining Body ExQ1 Section 3: Operators and Harbours Operations (REP1-019).</p>
Q3.04	App, C.RO	Please report on the navigation simulation exercise carried out on 6 January 2022.	The Applicant submitted a Report of Navigation Simulations Exercises Undertaken at South Tyneside Marine College on 6 January 2022 at Deadline 3 (REP3-004)
Q3.05	C.RO	Re: ExQ1: 3.0.5, what is C.RO's response to the technical data and modelling behind the Applicant's conclusion that there would be no additional	This question is not addressed to the Applicant.

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ExQ2	Question to:	Question:	
		construction vessel movements caused by the Proposed Changes	
Q3.06	C.RO	Does C.RO have comments on the alternative construction sequence proposed by the Applicant, now published at AS-007?	This question is not addressed to the Applicant.
Q3.07	C.RO, App	Please report on any remaining concerns regarding potential rail operations which might benefit C.RO.	<p>The Applicant understands this question to refer to the request by C.RO in its relevant representation (RR-014) that the Killingholme Branch Line be removed from the order limits. The Applicant considers this question to be resolved, as set out in its response to ExQ1 Q2.0.6 (REP1-019).</p> <p>The Applicant confirms that although the Killingholme Branch Line is within the Order limits, it is not generally within the Order Land. In short, save for four discrete parcels of Network Rail land that remained in the Order Land (to enable the Applicant to acquire easements to cross the land at those points) the area was removed from the Order Land following Network Rail's objections to its inclusion the original application in 2012. Put simply, the Applicant has no control whatsoever over the Network Rail railway that passes through C.RO Port and is not seeking to change the rights already granted by the s127 Certificate issued by the Secretary of State and included in the original decision letter.</p>
4. Hydrodynamics and Sedimentary Regime including Dredging and Deposition			
Q4.01	App	The UES at 8.5.2 sets out the additional mitigation measures necessary because of the dredging activities associated with the Proposed Changes and notes that they would need to be accommodated within any Amendment Order. However, the EA's WR, at 3.6 [REP1-032], reports that the Applicant has stated that this will be secured via the MEMMP.	<p>The MEMMP is secured through Schedule 11 Requirement 19(2) and is only cross referenced in the DML Schedule 8 paragraph 15. The MEMMP is approved by the MMO following consultation with Natural England and the Environment Agency.</p> <p>The mitigation set out in UES paragraph 8.5.2 amounts to supplementary monitoring and this would sensibly sit within the MEMMP. The monitoring</p>

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ExQ2	Question to:	Question:	
		Which would it be? If secured only through the MEMMP, which arises within the DML, how would interests outside those involved in the DML be satisfied? Please clarify.	<p>can also be referenced within detailed Method Statements to be approved by the MMO in accordance with Schedule 8 paragraph 31.</p> <p>Other parties with a potential interest are the Humber Conservancy and the owners of South Killingholme Oil Jetty. Both parties benefit from relevant protective provisions. For example, the Humber Conservancy must be consulted on the MEMMP, whilst Schedule 9 Part 15, provides protection for any adverse effects on South Killingholme Oil Jetty.</p>
Q4.02	App	Re: ExQ1: 4.0.4 – the Applicant’s response indicates that the additional mitigation and monitoring required by the EA is set out in Schedule 1 of the EA SoCG. Does this mean points 4.6 and 4.8 of HR Wallingford’s memo dated 27 October 2021 responding to EA and MMO RRs?	Yes
Q4.03	App	Re: ExQ1: 4.0.12, the Applicant’s response ends with an incomplete sentence, ‘The short term...’ How should the sentence end?	The three words were included in error and should be deleted from the response.
Q4.04	App	Para 3.7 of the MMO SoCG [REP1-008] notes that the majority of material disposed of at HU081 and HU082 is considered likely to erode and disperse over a period of years. How long, as an estimate, would this take?	<p>Refer to UES Appendix 8-2, Section 5, first paragraph:</p> <p><i>‘most material placed at the sites will erode and disperse within a few years of placement’.</i></p>
5. Biodiversity			
Q5.01	NE	In response to ExQ1: 5.0.6 the Applicant notes that the HRA Part 1 report has been updated in	This question is not addressed to the Applicant.

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ExQ2	Question to:	Question:	
		consultation with Natural England [REP1-023]. Does it resolve NE's concerns?	
Q5.02	NE	NE's response to ExQ1: 5.0.1 [REP1-036] notes that a LSE has been identified for ringed plover and sanderling but they do not appear to have been considered in the sHRA. However, para 9.4 of the LSE report explains that no LSE was concluded for sanderling as the species was not recorded in surveys. The ringed plover appears to have been assessed in the RIAA and an AEOI concluded at para 8.22. Do these parts of the HRA report satisfy NE's concerns?	This question is not addressed to the Applicant.
Q5.03	NE	At 4.7 of its SoCG with NE [REP1-002], the Applicant states, under matters not agreed, that there would be no change in the extent of noise disturbance as the quay piling would be no closer to receptors, as set out in section 16.4.0 of Chapter 16 of the UES [APP-087]. Does NE agree and is NE satisfied with the Applicant's response to ExQ1: 5.0.15 regarding noise effects under the Proposed Changes?	This question is not addressed to the Applicant.
Q5.04	NE	NE's response to ExQ1: 5.0.3 at RR ref 3.3.3 [REP1-036] requests justification or evidence for the Applicant's conclusion that there would be no change in the extent of the operational noise disturbance and asks for clarification within the sHRA. Is NE content with the Applicant's response?	This question is not addressed to the Applicant.

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ExQ2	Question to:	Question:
Q5.05	App	<p data-bbox="394 312 1099 560">Further to ExQ1: 5.0.9 and point 4.9 of the SoCG with NE [REP1-002], please set out the changes to quay lighting arising from the Proposed Changes. Whilst the lighting scheme would be subject to approval under Requirement 24, sufficient information should be available to the Secretary of State at consenting stage.</p> <p data-bbox="1122 312 2116 1086">The original ES Appendix EX19.1, submitted at Deadline 4 with document reference TR030006/D4/6 provided details of lux levels predicted in the consented scheme based on an indicative column layout.</p> <p data-bbox="1122 424 2116 619">The physical changes to the quay frontage will necessitate a change to the location of those lighting columns that are proximate to the ends of the quay. The positional changes are illustrated on drawing AME-03942B submitted with this response (document reference TR030006/D4/5). This drawing is an amendment to one of the drawings included in the original ES Appendix EX19.1, in order to provide a clear illustration.</p> <p data-bbox="1122 635 2116 762">The lux levels on the site from the amended scheme will not change in any material way from the original scheme as the lanterns on the columns will be angled in order to provide similar lighting levels on the re-positioned quay as on the original quay as explained in the original ES paragraph 19.6.7:</p> <p data-bbox="1122 778 2116 975"><i>External lighting for the quay frontage will comprise 50 m towers fitted with directional luminaires to limit spill outside the working areas. These will provide average luminance of 50 lux with a minimum of 20 lux to the area nominally within 50 m of the quay edge. Elsewhere, on the storage areas behind the quay, lighting will be designed to provide an average luminance of 20 lux with a minimum of 5 lux.</i></p> <p data-bbox="1122 991 2116 1086">Light spill off the quay from the relocated columns is immaterial in any event as the re-positioned columns are far too remote from any sensitive ecological receptors to have any significant effect on them.</p>
Q5.06	App, NE	<p data-bbox="394 1121 1099 1439">NE's response to ExQ1: 5.0.3 at RR ref 3.3.2 [REP1-036] notes that it considers the effects of dredging volumes on aquatic ecology have not been adequately addressed in the sHRA. Also, that there does not appear to be any section within the sHRA providing a clear justification to support the conclusion that there would be no additional impacts on the Humber Estuary SAC/Ramsar designated features arising from the increase in dredging</p> <p data-bbox="1122 1121 2116 1289">Further detail on dredging impacts have been included in the updated sHRA at paras 8.8 – 8.12 and Table 12 of the Part 2 report, where it was concluded that the changes were not likely to make any material difference to the ecological effects and would not result in any adverse effect on integrity.</p>

ExQ2: 13 January 2022**Responses are due by Deadline 4: 1 February 2022 at 23:59**

ExQ2	Question to:	Question:	
		disposal volumes. Has the Applicant addressed the points made in this response in detail and, if so, where? Does NE agree with the Applicant's conclusion of no LSE from the dredging activities associated with the Proposed Changes?	
Q5.07	App	The Applicant notes, in response to ExQ1: 5.0.16 [REP1-019], that a MEMMP has already been approved by the MMO but would need minor changes to reflect the use of HU081. Does this include an amended monitoring regime?	The Applicant confirms that this would include an amended monitoring regime.
Q5.08	App	ExQ1: 5.0.7, the Applicant makes reference to the original sHRA which does not form part of the present examination. Please submit the relevant information to the examination in a separate document.	The original sHRA has been submitted at this Deadline 4, with document reference TR030006/D4/7.
Q5.09	App	In its response to ExQ1: 5.0.3 RR ref 3.3.1 [REP1-036], regarding habitat change figures, NE advises that the sHRA and UES 11-2 should be updated on predicted medium and long term changes, as well as immediate losses, and clarification should be given on how figures for habitat change have been calculated. How does the Applicant respond?	<p>UES Appendix 11-2, Section 3 contained predictions of medium- and long-term habitat changes. UES Appendix 11-2 was re-issued at Deadline 1 (REP1-027).</p> <p>It should be noted that medium- and long-term changes require a prediction of natural change over a 30 and 100 year timeframe and a prediction of changes over the same timeframes with the development; this is an inherently uncertain process. It is however demonstrated in UES Appendix 11-2 that the medium- and long-term impacts are less significant than the immediate impacts, predominantly because there is an ongoing change to the North Killingholme foreshore that is causing mudflat to develop into saltmarsh.</p> <p>As the immediate effects of the project are the most significant, the HRA needs only consider the immediate habitat impacts and this is explained in the revised HRA submitted at Deadline 3, (REP3-009).</p>

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ExQ2	Question to:	Question:	
Q5.0.10	App	Also in its response, RR ref 3.3.2, NE notes that discussions on the effects of capital and maintenance dredging disposal have concluded and advises that this should be clarified in the sHRA together with the conclusions reached. Please respond.	<p>The sHRA (Table 12) (REP3-009) has been updated to clarify this matter and set out the conclusion of no adverse effect on integrity with regard to dredging disposal.</p> <p>The matter is closed out in the SoS's original HRA at paragraph 11.</p>
Q5.0.11	App	Are any of the additional mitigation measures involved in dredging and deposition required to avoid or reduce impacts to European sites?	The Applicant confirms that whilst the proposed additional mitigation measures will reduce impacts, they are not required in order to reach a conclusion of no adverse effect on integrity.
Q5.0.12	App	The CJEU decision <i>People Over Wind and Sweetman v Coillte Teoranta</i> (C-323/17) means that the measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the HRA screening stage. Please set out the implications of additional mitigation measures on Humber Estuary features where necessary.	<p>The <i>Sweetman</i> case applies to screening, whereas the Applicant accepts that there are significant effects on the habitat in question and is not seeking to screen them out. The HRA Report is additionally consistent with <i>Sweetman</i> in that it ignores mitigation when considering 'likely significant effect' in Part 1 of the HRA (REP3-009).</p> <p>The only additional mitigation proposed within the UES relevant to the HRA is that proposed in relation to the increased volume of dredge arising to be deposited in the Humber Estuary. HRA Part 1 Appendix 5 records LSE from dredging and disposal operations and those activities are taken forward into the HRA Part 2.</p>
Q5.0.13	App	Grey Seal - The Applicant's screening matrices [AS-004] identify a LSE to the grey seal of the Humber Estuary SAC under the heading of habitat loss. However, footnote (f) does not refer to habitat loss. Please can the Applicant explain whether it considers there is a LSE to the grey seal from habitat loss and, if so, provide relevant information to inform an appropriate assessment for this potential impact pathway?	There is a typographical error in the screening matrix table – there would not be any direct loss of grey seal habitat that would constitute LSE, only disturbance (as set out in Appendix 5 of the sHRA Part 1 report (REP3-009). An updated screening matrix document has been submitted at deadline 4 (document reference TR030006/D4/8).

ExQ2: 13 January 2022

Responses are due by Deadline 4: 1 February 2022 at 23:59

ExQ2	Question to:	Question:	
Q5.0.14	App	<p>Para 6.16 of the RIAA within the revised HRA Report [REP1-023] identifies the potential for 'changes to the invertebrate and fish communities in the vicinity of the AMEP development to have an associated impact on grey seals through changes to the prey composition and availability'. However, a LSE from changes to prey composition and availability is not considered in the screening and integrity matrices. Please clarify whether a LSE has been identified for this potential impact pathway.</p>	<p>The Applicant agrees that the references to the impact on grey seals from changes to prey availability in the HRA Part 2 are entirely superfluous.</p> <p>The only LSE identified for grey seal is disturbance during construction, as set out in Appendix 5 of the sHRA Part 1 report (REP3-009).</p>
Q5.0.15	App	<p>Loss of foraging resources to the Humber Estuary SPA/Ramsar - The Applicant's screening matrices [AS-004] include the impact heading 'Loss of foraging resources' to features of the Humber Estuary SPA and Ramsar. On e-page 3 this was explained as arising from 'Alteration/loss to benthic communities as a result of changes in suspended [sic]'. A LSE was identified for some qualifying features from this impact pathway in the HRA screening matrices. However, this impact heading was not subsequently used in the integrity matrices for the site. Only the thermal plume was addressed in the LSE Report although a LSE was excluded for this particular impact. Please clarify conclusions with regard to the potential impact of loss of foraging resources, along with sufficient information to inform an appropriate assessment if necessary.</p>	<p>The Table on page 3 of the screening matrix document is incorrect – "Alteration/loss to benthic communities as a result of changes in suspended" should be replaced by "Capital and maintenance dredging and Construction of quay/manufacturing area" as these are the two processes that will result in loss of foraging resources, as a result of direct habitat loss – thus habitat loss and loss of foraging resources are directly inter-linked, and have been assessed as such in the HRA reports. An updated screening matrix document has been submitted at deadline 4 (document reference TR030006/D4/8).</p>
Q5.0.16	App	<p>Red Knot of the Humber Estuary SPA – There are a number of inconsistencies within the HRA documents regarding this feature</p>	<p>Para 9.4 of the revised LSE report should not include (red) knot in the list of species recorded in only insignificant numbers. Higher numbers of this species were recorded in the more recent baseline surveys, such that it was</p>

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ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> • Para 9.4 of the revised LSE Report [REP1-023] concludes no LSE for red knot as, 'Only one or two birds recorded by TTTC, or percentage of Humber Estuary population recorded is so low as to be insignificant'. • However, Appendix 4 states the species is regularly present in the potential impact zone in non-trivial numbers and a LSE cannot be ruled out. • The Humber Estuary SPA integrity matrix [AS-004] identified an AEol to red knot from light/noise disturbance. <p>Please clarify.</p>
Q5.0.17	App	<p>Coastal lagoons – Paras 7.39 and 9.10 of the revised LSE Report [REP1-023] identify the potential for coastal lagoons as a supporting habitat to the Humber Estuary SPA to be affected by the Proposed Changes. However, a LSE for this feature of the Humber Estuary SAC is excluded in the screening matrices [AS-004] on the basis of the feature being outside the development impact zone. Please explain why.</p>
Q5.0.18	App	<p>River and sea lamprey - The HRA screening matrix [AS-004] rules out a LSE to these features of the Humber Estuary SAC arising from water quality changes. The screening matrix for the Humber Estuary Ramsar does not have the same heading but, instead, includes 'loss of foraging resources' which is described on e-page 3 as being 'alteration/loss to benthic communities as a result of changes in suspended [sic]'. A LSE for river and sea</p>

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ExQ2	Question to:	Question:	
		lamprey has been identified under this Ramsar screening heading. Please clarify.	
Q5.0.19	App	<p>Intertidal Habitat – The Humber Estuary SAC screening matrix [AS-004] excludes a LSE arising from changes in intertidal habitat for all qualifying features. However, Appendix 5 of the revised LSE Report [REP1-023] identifies a LSE arising from habitat changes to estuarine habitat (H1130), intertidal mudflat (H1140) and saltmarsh (H1330/H1310). Please clarify.</p>	<p>The LSE referred to in Appendix 5 relates to direct habitat loss to estuarine habitat (H1130), intertidal mudflat (H1140) and saltmarsh (H1330/H1310) rather than change to the habitat.</p>
Q5.0.20	App	<p>AEols to qualifying features of the Humber Estuary SPA and Ramsar – The RIAA identifies direct and indirect effects on bird species from habitat loss. Indirect effects are said to be as a result of the ‘Indirect functional habitat loss through disturbance...due to the effective reduction in extent and distribution of the habitat supporting birds.’ It appears that disturbance from noise impacts has been assessed separately. Please explain exactly what is meant by this potential impact heading.</p>	<p>Noise is one component of the disturbance impact that can result in indirect functional habitat loss. Whilst specific consideration has been given to noise, its impacts have been assessed together with the other factors such as visual disturbance contributing to the effective habitat loss. “Indirect functional habitat loss through disturbance” includes all sources of disturbance, including noise.</p>
<p>6. Water Framework Directive (WFD)</p>			
Q6.0.1	EA	<p>Regarding the EA’s response to ExQ1: 6.0.7, is the EA satisfied with the Applicant’s response to ExQ1: 13.0.3 with respect to cumulative assessment, in particular, but not exclusively, the cumulative effects of the Proposed Changes in conjunction with AMEP? (The Applicant points to the residual effects of AMEP as having been assessed in the original ES and therefore included in the UES baseline, summarises</p>	<p>This question is not addressed to the Applicant.</p>

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ExQ2	Question to:	Question:
		them by topic chapter, and sets out statements about the continued reliability of the ES assessment).
Q6.02	EA, App	<p>The Applicant has now submitted a Dredge disposal benthic invertebrate monitoring scheme [REP1-025]. How would this be secured? Would the EA like to comment on the scheme?</p>
Q6.03	App	<p>The EA notes at 4.6 in its WR [REP1-032] that clarity is required regarding any worsening of status for PAHs that are not currently failing. How does the Applicant respond?</p>

The Benthic Invertebrate scheme (**BI Scheme**) for the dredge disposal aspect of the Able Marine Energy Park development is required to meet commitments and objectives detailed in the project's Marine Environmental Management and Monitoring Plan (**MEMMP**).

Appendix 1 of the MEMMP includes the EA's monitoring requirements for the capital dredging and disposal activities for the AMEP development. For benthic invertebrates, this comprises

"A scheme for the protection and enhancement of benthic invertebrates through the monitoring and management of disposal activities within, and immediately surrounding, the disposal sites.", (MEMMP, Appendix 1 Section D).

The Applicant is therefore required to submit, and has submitted, a BI Scheme for approval by the MMO, after consultation with the Environment Agency and Natural England, and the relevant planning authority. The BI Scheme must meet the existing commitments and objectives detailed within the MEMMP.

The provision of the MEMMP is secured under requirement 19(2), Schedule 11 of the Draft Amendment Order.

A revised version of the WFDa is submitted with this response, document reference TR030003/D4/9.

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ExQ2	Question to:	Question:	
Q6.04	EA	Is the EA satisfied with the SediChem details submitted by the Applicant [REP1-021] and the discussion set out at page 28 in the revised WFD [REP1-004]?	This question is not addressed to the Applicant.
7.	Flood Risk (No Further Questions)		
8.	Drainage (No Further Questions)		
9.	Quayside Cranes		
Q9.01	App	Re: ExQ1: 9.0.5, Lighting – Night-time, second bullet, please submit the relevant information dealing with night-time impacts on avian receptors to the examination in a separate document.	Please refer to the separate response with reference TR030006/D4/10 which has been submitted to address this question.
Q9.02	App	Re: ExQ1: 9.0.5, the caption to Figure 6 – please explain, second line should this read ‘same intensity’ rather than ‘same colour’?	<p>The Applicant confirms that the label is correct. ‘RGB LED’ lights use a 3-in-1 LED chip made of red, green and blue chips. It can produce a wide range of colours by mixing the three and looks almost white with all three at full brightness. As such, a RGB LED can produce ‘white light’ at a different spectrum to that contained within a pure ‘White LED’. This is the evidence made / point shown within Figure 6. As such, to the human eye both the white LED and RGB LED at 3,500k output would appear as the same white colour.</p> <p>It should be noted that there is also an RGB+W LED option which mixes the three colours with white LED light to create a purer white tone. However, this would then create white light illumination with a mix of the spectrums shown in Figure 6. As explained in ExQ1 9.0.5 (REP1-006), research indicates that red lights have less impact on birds than white lights. As such, through the use of RGB Wavelength Lighting, impacts in relation to avian risk can be avoided.</p>

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ExQ2	Question to:	Question:
		<p>Notwithstanding, as confirmed within the Applicant's response to ExQ1 9.0.4, , the preference is to utilise 'marking' mitigation rather than white flashing lights for the daytime period.</p> <p>The night-time warning lights which would be associated with the crane are medium and low intensity flashing red obstacle lights at the heights indicated in the Applicant's response to ExQ1 9.0.3, Figure 2. A crane between 105m and 210m would require 4 warning lights (at top, $\frac{3}{4}$, $\frac{1}{2}$ and $\frac{1}{4}$ height positions). Images of example aviation warning lights have been submitted, with document reference TR030006/D4/11.</p>
Q9.0.3	App	<p>Re: Para 1.2, [REP1-015], please confirm whether and, if so, how many fixed cranes are proposed and of what height. (UES Table 22-1 notes that since the time of the Scoping Report further information has been made available regarding the potential maximum height of cranes to be located on the quay, namely up to 200m in height).</p> <p>As confirmed in the Applicant's response to ExQ1 9.0.7 (REP1-015), there is a single rail crane up to 200m in height associated with the proposed development. This is located along the quayside and can move along the berthing line (Berths 1 to 5) by way of fixed tracks. The Applicant's response to ExQ1 9.0.7, Figure 1 shows the location of this crane and the zone of theoretical visibility.</p> <p>The Applicant confirms that there are no fixed cranes associated with the development.</p> <p>In addition to this quayside crane, mobile craneage (max jib height 150m) will be utilised within the site on an operational basis. Such mobile plant and machinery has already been considered within the original ES for the original application (ES Chapter 11, paragraph 20.6.2 for example) and would not be an alteration from the consented position contained within the extant DCO.</p>
Q9.0.4	App	<p>Re: ExQ1: 9.0.7, Appendix A, containing figures and photomontages, was not included in the submissions at DL1, even though it was flagged in the covering letter as TR03-0006/D1/14/F and referred to in the text of [REP1-015]. When can we expect it?</p> <p>This document was included in the Sharefile of documents which were submitted by the Applicant at deadline 1 (14 December). The Applicant understands that the Planning Inspectorate may have encountered difficulties in publishing the document due to the size of the file. The Applicant therefore supplied the document to the Planning Inspectorate in</p>

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ExQ2	Question to:	Question:	
			four smaller files by email on 12 January 2022. The Applicant would be happy to re-submit Appendix A if that would be helpful.
Q9.05	App	Re: ExQ1: 9.0.8, whilst an exercise has been carried out to indicate the effects of the taller structures with reference to the LVIA prepared for the original ES, there does not appear to be an equivalent exercise for the heritage setting effects. Does the Applicant intend to submit one?	Please refer to the separate response with reference TR030006/D4/10 which has been submitted to address this question.
Q9.06	App	Re: Table 2: Review of Potential Change to Visual Amenity, [REP1-015], is the assessment for VP1, Public footpath on the south Humber bank, affected by the proposed rerouting of the footpath?	The Applicant confirms that VP1 is located approximately 1.1km to the north-east of the rerouted footpath and, even in a worst-case scenario, is not affected by the proposed rerouting.
Q9.07	App	Para 3.6, Views from the North [REP1-015], why are VPs 1 and 2 excluded from this section?	VP1 and VP2 are not included within paragraph 3.6 as they are discussed in detail within rows 1 and 2 of Table 2, pages 8 to 9 (REP1-015). Paragraphs 3.6 to 3.12 are supplementary to Table 2 and provide additional information regarding the viewpoints not included within this table.
Q9.08	App	Typical examples of night-time crane aviation warning lights are shown at Figure 5 in the Applicant's response to ExQ1: 9.0.5. The night-time photomontages received on 12.1.22 do not appear to show any lighting to the quayside crane. Why is this?	<p>The Applicant confirms that lighting to the quayside crane is shown in the night-time photomontages sent to the Planning Inspectorate on 12.1.22. These lights are visible in Figure 7 and Figure 8b.</p> <p>The Applicant appreciates that this may not be clear and has added additional information to these two figures and has resubmitted them at this Deadline 4. The additional information details the extent of the areas where the lighting to the quayside crane may be visible. The resubmitted Figures 7 Rev A and Figure 8b Rev A are submitted with document reference TR030006/D4/12.</p> <p>Please note that these figures are illustrative only and represent the proposed aviation lighting at 50, 100, 150 and 200m Above Ground Level (AGL). They should not be regarded to demonstrate the exact colour or</p>

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ExQ2	Question to:	Question:	
			intensity of the lighting and should be read in conjunction with the Applicant's Responses to Examining Body ExQ1 Section 9: Quayside Cranes (REP1-006 and REP1-015) which specifies in more detail the impacts of the lighting strategy.
10. Footpath Diversion (No further questions)			
11. Heritage Aspects			
Q11.01	App, NLC	[REP1-010], the updated Marine WSI consists of the September '21 version. However, para 3.1.11 of the SoCG with NLC [REP1-022], refers to a version dated 12 November. Please clarify.	<p>The September 2021 version of the WSI submitted at Deadline 1 (REP1-010) was issued to NLC Heritage Environment Officer on 23 November 2021. The filename ascribed to the WSI at that time included the number sequence '20211112', indicating the date it was received by the Applicant from Wessex Archaeology, but it was still the September 2021 version. The reference in the SoCG between the Applicant and NLC to a version of the WSI dated 12 November is misleading; the SoCG has been corrected. The corrected SoCG with NLC has been submitted at this Deadline 4, with document reference TR030006/D4/SOCG/NLC.</p> <p>The Applicant confirms that the correct date for the Deadline 1 version of the Marine WSI is September 2021.</p>
Q11.02	App	Re: Applicant's response to ExQ1: 11.0.3, reference is made to Figure 2. Although this and Figure 1 are listed in the contents to the updated WSI [REP1-002], they are not included in the document. Please clarify	The WSI with the Figures included is issued with this response, document reference TR030006/D4/13
Q11.03	NLC	Re: Applicant's response to ExQ1: 11.0.5, is NLC content that watching briefs would only be carried out during backhoe dredging, and not where TSHD or CSD is being used?	This question is not addressed to the Applicant

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ExQ2	Question to:	Question:	
Q11.04	App	Please respond to Historic England's point B in their response to ExQ1: 11.0.8 [REP1-039] regarding Killingholme North Low Lighthouse.	The Listed Building Management Plan was approved by North Lincolnshire Council on 25 March 2021 following consultation with Historic England. The Applicant applied for an Amendment to the Plan on 27 July 2021 but a decision on that application is still pending.
12. Climate Change (No further questions)			
13. Cumulative and in-combination Effects			
Q13.01	App	The EA notes at 4.2 in its WR that the reasons for excluding certain projects from Cumulative Assessment (UES Section 6.4.0 Table 6-2) are stated as, 'No likely cumulative effects predicted. AMEP was excluded from the cumulative assessment which accompanied this planning application.' The ExB agrees that this exclusion provides no evidence to justify the conclusion that no cumulative effects are expected from the Proposed Changes to the AMEP. Please provide suitable evidence.	<p>Firstly, cumulative effects only occur if there are residual effects of a project that have not been fully mitigated and those residual effects can then add to the residual (not fully mitigated) effects of other projects. The geographical separation of projects is often sufficient to discount cumulative effects because the impact zones of the projects do not overlap. For example, noise dissipates over distance, light will only spill so far, and traffic for projects which are remote from each other will not use the same junctions. By inspection therefore, many projects can be screened out by virtue of their physical separation alone.</p> <p>In undertaking assessments of potential cumulative effects, it is normal practice to use evidence within Environmental Statements prepared for other schemes. Below, the Applicant provides further information as to how conclusions were reached as to whether projects should be screened in or out from cumulative assessment. This screening exercise also took into account any changes to AMEP resulting from the proposed material change (noting that the Environmental Statements for other schemes would not have taken the proposed material change into account). Although the impacts of the Material Change are not generally significant, the Applicant has nevertheless reviewed the other Project's cumulative impact assessments to assess whether their conclusions remain valid.</p> <p>From the existing evidence base the Applicant records the following:</p>

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ExQ2	Question to:	Question:
		<p><u>Hedon Haven Development</u></p> <p>The location of this project is shown on drawing AME-002-00122B, provided in Appendix UES 6-1(Examination Library Reference APP-114).</p> <p>The scheme masterplan and cumulative impact assessment is included in Document TR030006/D4/14, submitted with this response.</p> <p>This development is located on the north bank of the Humber Estuary, approximately 8km north of the AMEP site.</p> <p>There are no marine works, and therefore no possible cumulative effects with the marine impacts of AMEP.</p> <p>By inspection, its geographical location precludes cumulative impacts arising from traffic, noise, air quality, lighting, terrestrial ecology, flood risk or cultural heritage and the absence of intervisibility from a relevant point precludes cumulative landscape and visual impacts. Both schemes have positive socio-economic impacts.</p> <p>The Applicant therefore agrees with the authors of the project's ES that there are no residual effects to consider cumulatively with AMEP and the proposed Material Change</p> <p><u>Welwick to Skeffling Managed Realignment Scheme</u></p> <p>The location of this project is shown on drawing AME-002-00122B, provided in Appendix UES 6-1 (Examination Library Reference APP-114).</p> <p>The scheme masterplan and cumulative impact assessment is included in Document TR030006/D4/14, submitted with this response.</p> <p>This development is located on the north bank of the estuary approximately 16km east of the AMEP site.</p> <p>By inspection, the geographical location precludes cumulative impacts arising from traffic, noise, air quality, lighting, terrestrial ecology, flood risk or cultural heritage and the absence of intervisibility from a relevant vantage point precludes cumulative landscape and visual impacts.</p> <p>Reference to Chapter 19 (<i>ibid</i>) shows that after mitigation the scheme is not predicted to have any significant effect, alone, on any environmental</p>

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ExQ2	Question to:	Question:
		<p>receptor. The Applicant therefore agrees with the authors of the Project's ES that there are no residual effects to consider cumulatively with AMEP and the proposed Material Change.</p> <p><u>Outstrays Managed Realignment Scheme</u></p> <p>The location of this project is shown on drawing AME-002-00122B, provided in Appendix UES 6-1 (Examination Library Reference APP-114). It is adjacent to the Welwick to Skeffling scheme discussed above.</p> <p>This project is covered by the same Environmental Statement as the Welwick to Skeffling Scheme. The references above also cover the Outstrays Managed Realignment Scheme. For the same reasons, it can be concluded that there are no significant adverse cumulative effects with AMEP and the Material Change.</p> <p><u>Winteringham Ings to South Ferriby Flood Relief Scheme</u></p> <p>The location of this project is shown on drawing AME-002-00122B, provided in Appendix UES 6-1 (Examination Library Reference APP-114).</p> <p>This development is approximately 20km west of the AMEP development, on the south bank of the Humber, approximately 25km upstream. The scheme is substantially complete now.</p> <p>The scheme masterplan and cumulative impact assessment is included in Document TR030006/D4/14, submitted with this response.</p> <p>There are no reported residual effects of the scheme on water bodies, including the Humber Estuary, so there can be no cumulative effects with the Humber Estuary.</p> <p>Due to the distance between the two schemes, the Applicant agrees with the author of the Project's ES that AMEP will not contribute to any significant adverse cumulative impacts of this project in respect of: health; biodiversity; landscape; cultural heritage; soils or traffic. The Material Change will make no difference to this conclusion</p>

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ExQ2	Question to:	Question:
		<p><u>South Humber Bank Energy Centre</u></p> <p>The location of this project is shown on drawing AME-002-00122B, provided in Appendix UES 6-1(Examination Library Reference APP-114) .</p> <p>This development is approximately 7km south-west of the AMEP development, on the south bank of the Humber.</p> <p>The scheme masterplan, the location of potential cumulative projects and cumulative impact assessment is included in Document TR030006/D4/14, submitted with this response.</p> <p>The development does not include any marine works, so there are no possible cumulative impacts with AMEP on marine receptors.</p> <p>Due to the distance between the two schemes, the Applicant agrees with the author of the Project's ES that AMEP will not contribute to any significant adverse cumulative impacts of this project in respect of: air quality; noise; traffic; ecology; landscape and visual amenity; geology; cultural heritage; flood risk; waste or socio-economics.</p>
Q13.02	App	<p>The in-combination assessment at paras 8.15-8.17 of the RIAA [REP1-023] appears to be couched in general terms without referring to specific impacts and features assessed, nor are these discussed in UES Chapter 6 in relation to the HRA. Please provide a more detailed in-combination assessment to substantiate the conclusions drawn.</p> <p>The same considerations for assessing cumulative effects (set out in the previous response) apply to the assessment summarised in paragraphs 8.15-8.17 [REP1-023]. The key point is made in paragraph 8.17 (8.22 of the updated RIAA submitted at deadline 3 (REP3 – 009)), namely that with the mitigation measures in place at AMEP there will be no significant cumulative/in-combination effects with other plans and projects.</p> <p>Cumulative/in-combination effects only occur if there are residual effects of a project because impacts of the project have not been fully mitigated (or compensated) which could then cause a significant impact when taken together with another project that has not fully mitigated its impacts.</p> <p>With regard to an HRA assessment, this is narrowly focussed on ecological features and the requirement to avoid a significant effect on these features wherever possible means that potential effects are fully mitigated on a project by project basis in the majority of cases, leaving no residual effects after mitigation. The cumulative assessment reported in chapter 26 of the UES concludes that no cumulative effects are anticipated from the proposed</p>

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ExQ2	Question to:	Question:
		<p>material change with other plans and projects. (See also the above response to ExQ2 Q13.0.1).</p> <p>With regard to the impacts of AMEP as a whole, the HRA found that the AMEP development alone had an adverse effect on the integrity of certain features of the Humber Estuary SPA/SAC/Ramsar site that could not be mitigated. Specifically, this related to the loss of habitat on North Killingholme Foreshore and the consequential impact of that loss on certain bird species. Accordingly compensatory habitat is being provided for the direct and indirect impacts of the AMEP quay on the Humber Estuary SPA/SAC (in respect of both habitats and species) at Cherry Cobb Sands and Halton Marshes. The compensation is provided for the Project's impacts to ensure that the overall coherence of the Natura 2000 network is maintained. There is no residual impact on affected habitats and species pursuant to the provision of compensation.</p> <p>Mitigation for SPA species using the Killingholme fields is provided within Mitigation Area A to '<i>fully mitigate</i>' the effect on SPA species using Killingholme Marshes, (refer to paragraphs 9 and 14 of the SoS's appropriate assessment)¹ and there is therefore no residual impact on SPA birds using the terrestrial fields to consider cumulatively with other projects.</p> <p>With regard to disturbance effects on SPA birds, grey seal and lamprey during the construction and operational phases, these are also fully mitigated by conditions with the DML and in Schedule 11 of the DCO (refer to paragraph 11 and 14 of the SoS's appropriate assessment).</p> <p>Accordingly no cumulative impact is predicted between other projects and AMEP in respect of features of the Humber Estuary SPA/SAC site. This applies to the amended scheme also as the impacts of the amended scheme are also either compensated or fully mitigated.</p>

¹ Noting that impacts [remain fully mitigated](#) with the change of location of Mitigation Area A permitted by the Able Marine Energy Park (Amendment) Order 2021

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ExQ2	Question to:	Question:	
			The Applicant notes that Natural England has not raised any concerns regarding cumulative/in-combination assessment in the representations it has made on the HRA.
Q13.03	NE	Is NE satisfied that the Applicant has considered all relevant plans or projects in the cumulative and in-combination assessments?	This question is not addressed to the Applicant.